

रजिस्टर्ड नं० एस० एम० 14.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, शनिवार, 24 मई, 1975/3 ज्येष्ठ, 1897

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**GOVERNMENT OF HIMACHAL PRADESH**

**LAW DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 20th May, 1975*

No. LLR-D (6) 9/75.—The Himachal Pradesh Electricity (Duty) Bill, 1975 (Bill No. 23 of 1975) after having received the assent of the Governor, Himachal Pradesh, on the 15th May, 1975, under

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Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 11 of 1975.

T. R. HANDA,  
*Secretary.*

Act No. 11 of 1975.

THE HIMACHAL PRADESH ELECTRICITY (DUTY) ACT, 1975

AN

ACT

*to levy duty on the sale or consumption of electric energy in Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-sixth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Electricity (Duty) Act, 1975.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) “Board” means the Himachal Pradesh State Electricity Board constituted under Chapter III of the Electricity (Supply) Act, 1948;

(b) “consumer” means any person or establishment who uses or consumes energy and includes,—

(i) a domestic consumer *i.e.* a person or an institution occupying a premises ordinarily used for residential purposes and supplied with energy upto 10 K.W. and shall include charitable institutions like orphanages, hospitals, leprosy homes etc. without any limit of energy supplied to them,

(ii) a commercial consumer *i.e.* non-residential premises such as business houses, clubs, offices, schools, hospitals, hostels, street lighting and places of worship etc. for use of lights, refrigerators, heaters, fans etc. and fractional horse power motors provided the load of each appliance or equipment used does not exceed 3 K.W.,

(iii) agricultural consumers *i.e.* a person or an institution using energy for agricultural, horticultural and professions allied and subservient thereto,

(iv) industrial consumer *i.e.* any person or institution using energy for industrial purpose or purposes subservient to industry, and

(v) person(s) generating energy for their own consumption provided the capacity of generation is 5 K.W. or above;

(c) “energy” means electric energy;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “unit” in relation to the energy means Kilowatt-hour;

- (f) "competent authority" means the authority appointed by the State Government for the purpose of section 7 of this Act; and  
 (g) the words and expressions not defined in this Act, but defined in the Indian Electricity Act, 1910, have the same meanings assigned to them under that Act.

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Electricity duty on energy supplied to consumers or licensees by Board.

3. (1) There shall be levied and paid to the State Government on the energy supplied by the Board to a consumer(s), a duty to be called the "electricity duty" in the prescribed manner and computed at the following rates,—

- (i) in case of domestic, commercial and agricultural consumers at a flat rate of 1 paise per unit;
- (ii) in case of industrial consumers at a flat rate of 2 paise per unit; and
- (iii) in case of any other consumer not covered by above at a flat rate of 2 paise per unit:

Provided that if the energy is partly used for category (i) and partly for categories (ii) and (iii) above the highest rate of duty applicable will be levied.

(2) Nothing in sub-section (1) shall apply to the consumption or sale of energy which is,—

- (i) consumed by the State Government; or
- (ii) consumed by or sold to the Government of India for consumption by that Government; or
- (iii) consumed or sold for the construction, maintenance or operation of any railway by the Government of India or a railway company operating that railway; or
- (iv) consumed by the Board for generating stations, sub-stations, works directly connected with the generation, transmission and distribution of energy.

(3) For the purpose of computing the electricity duty under this section, the consumption shown by the meters starting after the first meter reading date after the commencement of this Act shall be taken into account.

Collection and payment of electricity duty.

4. The electricity duty shall be collected and paid to the State Government by the Board or a person who generates energy for his own consumption, as the case may be.

Records and returns.

5. (1) If the State Government so directs by a general or special order, the Board or a person generating energy for his own consumption, shall maintain such record in such form and manner as may be prescribed showing,—

- (a) the units of energy generated for supply to the consumer(s) or for self consumption;
- (b) the units of energy supplied to the consumer(s) or consumed by it;
- (c) the amount of the duty payable thereon and the duty paid or recovered under this Act; and

(d) such other particulars as may be prescribed.

(2) The Board, or a person generating energy for his own consumption, who has been directed under sub-section (1) to maintain a record, shall submit such returns in such form and manner and to such authority as may be prescribed.

(3) The amount of energy shall, for purposes of clauses (a) and (b) of sub-section (1), be ascertained in such manner as may be prescribed.

6. (1) The State Government may, by notification in the Official Gazette, appoint Inspecting Officers to inspect records maintained under section 5.

Inspecting officers.

(2) The Inspecting Officers shall perform such duties and exercise such powers as may be prescribed for the purpose of carrying into effect the provisions of this Act and the rules made thereunder.

(3) Every Inspecting Officer appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860

7. (1) If in the opinion of the competent authority the Board, or the person generating energy for his own consumption, as the case may be, evades or attempts to evade the payment of duty, whether by maintaining false records, submitting false returns, concealing the energy supplied or by any other means the Board or such person shall pay by way of penalty in addition to the duty payable under this Act, a sum not exceeding four times the amount of the duty to be determined by the competent authority:

Penal duty to be paid in certain cases.

Provided that no action under this sub-section shall be taken without affording a reasonable opportunity of being heard to the Board or such person.

(2) An appeal shall lie against an order passed under sub-section (1) to such authority, within such period and on payment of such fees, as may be prescribed.

(3) An order passed on appeal under sub-section (2) shall be final and binding.

(4) An order for the payment of any penalty made under this section shall be without prejudice to any prosecution instituted or which may be instituted for an offence under this Act.

8. Any duty under this Act or penalty imposed under section 7 which remains unpaid, whether by a consumer to the Board or by the Board or a person generating energy for his own consumption to the State Government, shall be recoverable as an arrear of land revenue or by deduction from amounts payable by the State Government to the Board or such person.

Recovery of duty.

9. Where a consumer fails to pay the electricity duty to the Board authorised to collect the duty from the consumer(s) under section 4 the Board may exercise the power conferred on a licensee under sub-section (1) of section 24 of the Indian Electricity Act, 1910 for the recovery of any charge or sum due in respect of energy supplied by it.

Power to disconnect supply for non-payment of duty.

of 1910

10. If any person,—

Penalties.

(a) required by section 5 to keep record or to submit returns fails to

- keep or submit the same in the prescribed form or manner or submits a return which is false; or
- (b) intentionally obstructs an Inspecting Officer appointed under section 6 in the exercise of his powers and duties under this Act and the rules made thereunder; or
- (c) contravenes any other provision of this Act or the rules made thereunder;

he shall be liable, on conviction, to a fine not exceeding one thousand rupees.

Power to  
revise the  
rate of  
electricity  
duty.

11. The State Government may, by notification revise the rates of electricity duty in respect of consumer(s) as given under section 3 provided that such revised rates shall not exceed the rates mentioned in section 3 by more than 50 %.

Power to  
make rules.

12. (1) The State Government may by notification make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

- (a) the manner of payment of the duty under section 3;
- (b) the manner of collection and payment to the State Government of the electricity duty by the Board or person(s) generating energy for their own consumption;
- (c) the time and manner of payment of the electricity duty by consumers;
- (d) the powers and duties to be exercised and performed by Inspecting Officers; and
- (e) any other matter for which, in the opinion of the State Government, rules are necessary for giving effect to the provisions of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and  
savings.

13. The Punjab Electricity (Duty) Act, 1958 in its application to the areas added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 is hereby repealed:

10 of 1958

31 of 1966

Provided that anything done or any action taken or rules made or notification issued in exercise of the powers conferred by or under the provisions of the Act so repealed to the extent of their being consistent with the provisions of this Act, shall be deemed to have been done, taken, made or issued in exercise of the powers conferred by or under this Act, as if this Act was in force on the day in which such thing was done, action taken, rules made or notification issued.

**OFFICE OF THE DEPUTY, COMMISSIONER HAMIRPUR  
DISTRICT, HIMACHAL PRADESH**

**NOTIFICATION**

*Hamirpur, the 19th May, 1975*

**No. HMR-I/73-MC-Elec.**—In exercise of the powers vested in me under section 23(1) of the Himachal Pradesh Municipal Act, 1968 I, Lal Singh, Deputy Commissioner, Hamirpur district hereby notify the names of the elected members of each of the ward (constituency) of Municipal Committee Hamirpur as specified below:—

No. and name of the ward (constituency) 1	Name with Parentage 2
1—Hiranagar	Shri Khiali Ram s/o Shri Ram Saran
2—Partap Nagar	Shri Amar Nath s/o Shri Thakur Dayal
3—Krishna Nagar (reserved)	Shri Gian s/o Shri Roshan
4—Dev Nagar	Shri Anand Swarup s/o Shri Kali Prashad
5—Shiv Nagar	Shri Pritam Piara s/o Shri Lal Chand
6—Brij Nagar	Shri Roshan Lal s/o Shri Maheshu Ram
7—Gandhi Nagar	Shri Prem Chand s/o Shri Ram Ditta Mal
8—Ram Nagar	Shri Jaswant s/o Shri Dheroo
9—Naya Nagar	Shri Jindroo s/o Shri Diwana
10—Gagan Nagar	Shri Jaswant Singh s/o Shri Sohnu Ram
11—Prem Nagar	Shri Garbh Chand s/o Shri Dalpat

**LAL SINGH,**  
*Deputy Commissioeer,  
Hamirpur District.*

